

Regular Session, 2009

HOUSE BILL NO. 786

BY REPRESENTATIVE SAM JONES

PORTS/MORGAN CITY: Provides relative to the Morgan City Harbor and Terminal District

1 AN ACT

2 To enact R.S. 34:322.1 and 323.2 and to repeal R.S. 34:322, relative to the Morgan City  
3 Harbor and Terminal District; to provide for the board of commissioners; to provide  
4 for certain powers; and to provide for related matters.

5 Notice of intention to introduce this Act has been published  
6 as provided by Article III, Section 13 of the Constitution of  
7 Louisiana.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 34:322.1 and 323.2 are hereby enacted to read as follows:

10 §322.1. Board of commissioners; members; vacancy; compensation; officers,  
11 agents, and employees

12 A. The governing authority of the district is hereby declared to be a board  
13 of commissioners consisting of nine members, who shall be citizens of the United  
14 States and qualified voters and taxpayers within the limits of said district during their  
15 term of office. The commissioners shall be appointed as follows:

16 (1) Three members shall be appointed by the mayor and council of the town  
17 of Berwick.

18 (2) Three members shall be appointed by the mayor and council of the city  
19 of Morgan City.

1           (3) Three members shall be appointed by the parish president and council of  
2           St. Mary Parish.

3           B. The appointing authorities provided for in Subsection A shall provide  
4           notice to the public that there shall be an application and interview process for  
5           appointments to the board of commissioners of the district. Interviews may be done  
6           in executive session, but the final nominations and appointments shall be done by  
7           open meeting. An appointee must receive a majority approval of the appointing  
8           authority. All appointments shall be subject to Senate confirmation.

9           C. The terms of the initial appointees shall be concurrent with the terms of  
10          the appointing authority. Thereafter, the terms shall be for four years.

11          D. Vacancies shall be filled in the same manner as the original appointment.  
12          Vacancies shall be filled within ninety days of notification to the appointing  
13          authority, from the board, of the existence of a vacancy. If the appointing authority  
14          does not fill the vacancy within the ninety-day period, the governor shall make the  
15          appointment. These appointees shall meet the same qualifications as provided for  
16          in Subsection A.

17          E. No board member shall serve more than two consecutive four-year terms;  
18          however, if an initial appointee's term is one year or less he may be reappointed for  
19          two four-year terms. A member who has served two consecutive four-year terms  
20          may apply for appointment to the board, provided four years have elapsed since the  
21          end of his last term.

22          F. The board shall submit an annual report to each of the appointing  
23          authorities no later than June first of each year. The report shall reflect the activities  
24          and the financial status of the district.

25          G.(1) The board of commissioners shall serve without compensation;  
26          however, it may:

27               (a) Authorize the payment of a reasonable travel allowance for its members  
28               in the performance of their official duties, not to exceed the mileage reimbursement  
29               rate used by the Louisiana Legislature.

(b) Reimburse its members for actual expenses incurred in the performance of their official duties on behalf of the district.

(2) The board may employ such officers, agents, and employees as it finds necessary in the performance of its duties, and it may prescribe the duties, powers, and compensation of the officers, agents, and employees.

(3) The board of commissioners may contract for legal, financial, accounting, engineering, consulting, and other professional services necessary or expedient in the conduct of its affairs, and it may utilize the services of other executive departments of the state.

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§323.2. Harry P. Williams Memorial Airport; operational responsibility

The district is hereby authorized to exercise all rights, relative to the state's transfer of the Harry P. Williams Memorial Airport, accorded to the St. Mary Parish governing authority in R.S. 2:83; however, if the parish has exercised its rights, the district is authorized to enter into a cooperative endeavor agreement to manage and operate the airport.

Section 2. R.S. 34:322 is hereby repealed in its entirety.

Section 3. Each member of the board of commissioners serving on the board on June 1, 2009, shall continue to serve through December 31, 2009. The application, nomination and interview process provided for by this Act shall be completed no later than October 15, 2009. The appointing authorities shall make their appointments no later than December 15, 2009, and the appointees shall take office on January 1, 2010.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Sam Jones

HB No. 786

**Abstract:** Revises the appointment process and membership of the board of commissioner of the Morgan City Harbor and Terminal District.

Present law provides for the appointment and composition of the Morgan City Harbor and Terminal District Board of Commissioners as follows:

- (1) Provides that the board shall consist of nine members, who shall be citizens of the United States and qualified voters and taxpayers within the limits of the district during their term of office.
- (2) Provides that the commissioners shall be appointed by the governor, five of whom shall be appointed for terms of one, two, three, four, and five years from a list composed of three names submitted by each of the following to the governor:
  - (a) The governing authority of the city of Morgan City.
  - (b) The governing authority of the town of Berwick.
  - (c) The police jury of St. Mary Parish.
  - (d) The Lions Club of Berwick, Louisiana.
  - (e) The Rotary Club of Morgan City, Louisiana.
  - (f) The Morgan City/Berwick Junior Chamber of Commerce.
  - (g) The Kiwanis Club.
  - (h) The East St. Mary Chamber of Commerce.
- (3) Provides that the remaining four commissioners shall be appointed by the governor, without recommendations, for six, seven, eight, and nine years, two of which appointments shall be of persons living and residing in the 9th Ward of St. Mary Parish, Louisiana.
- (4) Provides that any vacancy in any original terms shall be filled by the governor in the same manner as the appointment was originally made for the unexpired term. Any vacancy occurring due to expiration of the original term shall be filled by the governor in the same manner as above provided for the term of nine years.

Proposed law repeals present law and provides instead, the following:

- (1) Three members shall be appointed by the mayor and council of the town of Berwick.
- (2) Three members shall be appointed by the mayor and council of the city of Morgan City.
- (3) Three members shall be appointed by the parish president and council of St. Mary Parish.

Proposed law provides that the appointing authorities provided for in proposed law shall provide notice to the public that there shall be an application and interview process for appointments to the board of commissioners of the district. Provides that interviews may be done in executive session, but the final nominations and appointments shall be done by open meeting.

Proposed law provides that the terms of the initial appointees shall be concurrent with the terms of the appointing authority and thereafter the terms shall be for four years.

Proposed law provides that vacancies shall be filled in the same manner as the original appointment. Vacancies shall be filled within ninety days of notification to the appointing authority, from the board, of the existence of a vacancy. If the appointing authority does not fill the vacancy within the ninety-day period, the governor shall make the appointment. These appointees shall meet the same qualifications as provided for in the proposed law.

Proposed law provides that no board member shall serve more than two consecutive four-year terms. However, if an initial appointee's term is one year or less he may be reappointed for two four-year terms. Provides that a member who has served two consecutive four-year terms may apply for appointment to the board, provided four years have elapsed since the end of his last term.

Proposed law requires the board to submit an annual report to each of the appointing authorities no later than June first of each year. The report shall reflect the activities and the financial status of the district.

Present law provides that the commissioners shall serve without compensation; however, they may authorize the payment of a reasonable travel allowance for its members in the performance of their official duties, not to exceed the mileage reimbursement rate used by the Louisiana Legislature and reimburse its members for actual expenses incurred in the performance of their official duties on behalf of the district.

Present law further provides that the board may employ such officers, agents, and employees as it finds necessary in the performance of its duties, and it may prescribe the duties, powers, and compensation of the officers, agents, and employees. The board of commissioners may contract for legal, financial, accounting, engineering, consulting, and other professional services necessary or expedient in the conduct of its affairs, and it may utilize the services of other executive departments of the state.

Proposed law retains present law.

Present law, R.S. 2:83, authorizes the secretary of DOTD to transfer the Harry P. Williams Memorial Airport to the St. Mary Parish governing authority. Further provides that the secretary may enter into a cooperative endeavor agreement with St. Mary Parish whereby the state maintains legal ownership and the parish shall operate and maintain the airport.

Proposed law grants the same rights of the parish in the present law to the district and further provides that if the parish has exercised its rights, the district may enter into a cooperative endeavor agreement with the parish to manage and operate the airport.

Proposed law terminates the terms of the existing board of commissioners as of December 31, 2009 and provides that the new board members shall take office on January 1, 2010.

(Adds R.S. 34:322.1 and 323.2; Repeals R.S. 34:322)